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December 18, 2019

Via ECF and Fax

The Honorable Nelson S. Román
United States District Court
For the Southern District of New York
300 Quarropas Street
White Plains, NY 10601
Fax: (914) 390-4179

The application is granted.
 denied.

Nelson S. Román, U.S.D.J.

Dated: Dec. 18 2019

White Plains, New York 10601

Re: *Dicarlo v. Rite Aid of New York, Inc., No. 1:19-cv-6565*
Request to Extend Rite Aid's Time to Respond to Complaint

Dear Judge Román:

We represent defendant Rite Aid of New York, Inc. ("Rite Aid") in the above-referenced action. Pursuant to Rules 1(A) and 1(E) of Your Honor's Individual Practices, we write with the consent of counsel for plaintiff David Dicarlo ("Plaintiff"), respectfully to request that the Court extend Rite Aid's time to respond to the Complaint from December 18, 2019 to January 17, 2020. This is Rite Aid's third request for an extension of time. The Court granted each of Rite Aid's prior requests.

In support of this request, counsel for Rite Aid states that the parties are engaged in discussions about a possible early resolution of this action. If granted, this extension will permit the parties to focus on those efforts, rather than on pleadings and litigation. As noted above, Plaintiff's counsel consents to this request. If granted, this extension will not affect any other date scheduled in this action.

We thank the Court in advance for its consideration of this request.

Respectfully submitted,

/s/ Michael F. Fleming

Michael F. Fleming

Attorney for Rite Aid

cc: All Counsel of Record (via ECF)

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To: Hon. Nelson Roman **Date:** December 18, 2019
Fax #: (914) 390-4179 **Pages:** 5, including cover sheet.
From: Lewis R. Silverman, Esq.
Subject: Barrer-Cohen v. Greenburgh CSD, et al

COMMENTS:

Please see attached.

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